

actually took place, basically, when it came to Judge Sotomayor, she completed her paperwork setting forth her key information, background, on June 4. The July 13 hearing will take place 39 days after that paperwork was submitted.

In the case of Justice Alito—who incidentally had participated in 4,000 cases, 1,000 more than Judge Sotomayor—in that case, in Justice Alito’s case, the hearing took place 40 days after we received his work; for Chief Justice John Roberts, 43 days. This is entirely consistent.

I might also add a point that was raised by Senator UDALL of New Mexico. Judge Sotomayor is no stranger to this Chamber. She was nominated first for the district court bench by President George Herbert Walker Bush and then nominated for the district court by President Clinton. That is an indication that we have seen her work before. We are aware of her background.

The last point I would make, consistent with the Senator from California, is that justice delayed could be justice denied. In this case, if we continue this hearing for a record-breaking period of time—which has been requested by the Republican side—it will mean we will have a vacancy on the Supreme Court when it begins its important work this fall.

What Chairman LEAHY has asked for is reasonable. It is consistent with the way Judges were treated under President Bush and at the time the Republicans had no objection or complaint about it. This is a reasonable timetable. I urge my colleagues to support Chairman LEAHY.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1256, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1256), to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees’ Retirement System, and for other purposes.

Pending:

Dodd amendment No. 1247, in the nature of a substitute.

Burr/Hagan amendment No. 1246 (to amendment No. 1247), in the nature of a substitute.

Schumer (for Lieberman) amendment No. 1256 (to amendment No. 1247), to modify provisions relating to Federal employees retirement.

The PRESIDING OFFICER. The question occurs on amendment No. 1246

by the Senator from North Carolina, Mr. BURR.

Mr. BURR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Missouri (Mrs. McCASKILL) are necessarily absent.

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 60, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—36

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Gregg	Risch
Bunning	Hagan	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Voinovich
Crapo	Kyl	Wicker

NAYS—60

Akaka	Feinstein	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Grassley	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burr	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landriau	Snowe
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Collins	Levin	Tester
Conrad	Lieberman	Udall (CO)
Cornyn	Lincoln	Udall (NM)
Dodd	Lugar	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden

NOT VOTING—3

Byrd	Kennedy	McCaskill
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The amendment (No. 1246) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, if I may—I wish to ask unanimous consent to go into morning business at the conclusion of these brief remarks—there are several amendments that are germane amendments to this bill that we ought to consider, and my hope is that will happen. I will let the leadership determine what the rest of the day will be like, but my hope is we can complete these other germane amendments that are before us. I know there is a package of amendments on other things to be looked at, and I am certainly prepared to do that.

My good friend, the Senator from Wyoming, Senator ENZI, is not on the floor at this minute, but he and I have had a good relationship on this bill,

and we would like to complete it if we could. We have been now almost a week and a half on this legislation, so it shouldn’t take much more to get to final passage.

So I make that offer to my colleagues, that they can sit down and see if we can’t resolve some of those matters or at least allow for some time for debate on those outstanding germane amendments that are pending.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent to proceed to morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized.

ORDER OF PROCEDURE

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Missouri be given a couple of minutes to make his speech for the record and that afterwards I immediately be given the floor.

Mr. WYDEN. Mr. President, reserving the right to object, and I do not intend to object, I would ask unanimous consent to be recognized following the remarks of the distinguished Senator from Missouri, and then following the remarks of the distinguished Senator from Utah, that I be allowed to follow him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I wish my colleague to understand that I may take longer than 10 minutes, so I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Missouri is recognized.

NOMINATION OF LIEUTENANT GENERAL STANLEY McCHRISTAL

Mr. BOND. Mr. President, today in the Appropriations Defense Subcommittee we heard about some good things going on in South Asia and the new strategy for both Afghanistan and Pakistan to bring military and civilian efforts into that region.

I understand the Armed Services Committee has just approved the nomination of LTG Stanley McChrystal, an ex-commander of the international security forces, the final senior-level military position in the theater.

The dedicated members of the American military, our intelligence professionals and State Department officials continue to serve our country well, but it is essential that the efforts of each be woven together to form a comprehensive strategy that will not only win the battle but win the war. This will take senior leaders of great vision in all areas of our government.